



1617  
#12  
3/13/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tommy Ekstrom  
Serial No. : 09/367,950  
Filed : August 18, 1999  
Title : NEW USE

Art Unit : 1617  
Examiner : J. Kim

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Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

RESPONSE

In response to the action mailed September 25, 2001, Applicant requests reconsideration in view of the following remarks.

REMARKS

Claims 13-34 are in the case.

Claims 13-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Carling in view of Vanzielegghem et al. (Vanzielegghem) and Sykes et al. (Sykes).

Carling has been discussed at length in Applicant's previous response. The Examiner concedes that Carling does not teach instructing a patient to inhale the claimed composition on demand, as determined by the patient based on the patient's symptoms, to provide short-term relief of asthma symptoms, i.e., instructing the patient to use the composition as a rescue medication. However, the Examiner asserts that this teaching is supplied by Vanzielegghem and Sykes.

Vanzielegghem describes a study in which participants were instructed to inhale budesonide as needed to treat allergic rhinitis, up to four times per day. Sykes describes a study in which the duration of the bronchodilator effect of formoterol was studied in comparison to

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